

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GOVERNMENT EMPLOYEES INSURANCE
CO. et al,

Plaintiffs,

v.

PORETSKAYA et al,

Defendants.

Civil Action No. 16-08448

ORDER

John Michael Vazquez, U.S.D.J.

This comes before the Court by way of Plaintiff's unopposed Motion for Default Judgment as to Defendant Grigory Shtender. (D.E. 35); and it

APPEARING that Plaintiff's Motion for Default Judgment was initially filed as to six defendants, three of whom have since been dismissed from the case. D.E. 50. Two of the remaining defendants were addressed in an order vacating the order of default as to the two defendants (D.E. 46), each of whom have subsequently filed an Answer. D.E. 47; and it

APPEARING that "[i]f a default is entered against some defendants in a multi-party case, the preferred practice is for the court to withhold granting default judgment until the action is resolved on its merits against the non-defaulting defendants." *Animal Science Prods., Inc. v. China Nat'l Metals & Minerals Import & Export Corp.*, 596 F. Supp. 2d 842, 849 (D.N.J. 2008); *see also* 10A Charles A. Wright et al, Fed. Prac. & Proc. § 2690 (3d ed. 2015) (noting that when several defendants have closely related defenses "entry of judgment also should await an adjudication of the liability of nondefaulting defendants"). The entry of default is deferred is because courts do


not want to “create the risk of potentially inconsistent judgments.” *Eteam, Inc. v. Hilton Worldwide Holdings, Inc.*, No. 15-5057 (WHW)(CLW), 2016 WL 54676, at *3 (D.N.J. Jan. 5, 2016) (denying motion for default judgment where allegations against defaulting and non-defaulting defendants were identical); and it

APPEARING that Plaintiff’s motion now only applies to Defendant Grigory Shtender, the Court in keeping with the preferred practice of the Third Circuit Court of Appeals will not grant default judgment until the action is resolved as to the remaining defendants.

For the foregoing reasons, and for good cause shown,

IT IS on this 14th day of September, 2017, hereby

ORDERED that Plaintiff’s Motion for Default Judgment as to Grigory Shtender, D.E. 35, is **DENIED** without prejudice.



John Michael Vazquez, U.S.D.J.